UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,584	03/20/2001	Katsuya Yamada	122.1442	9225

21171 7590 03/29/2007	**EXAMINER**
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ART UNIT	PAPER NUMBER
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,8,9,11,12,15,16,19 and 20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,8,9,11,12,15,16,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

Status of Claims:

Claims 3, 4, 8, 9, 11, 12, 15, 16, 19-20 are pending in this Office Action.

Claims 1-2, 5-7, 10, 13-14, 17-18 remain cancelled.

Claim 20 is new.

Response to Arguments

Applicant's arguments filed in the amendment filed 2/27/07, have been fully considered

but they are not persuasive. The reasons are set forth below.

<u>Applicant's invention as claimed</u>:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,209,089 by Selitrennikoff et al ("herein referred to as Seli").

Regarding claim 19, a method for automatically setting an environment of a client computer in a client/server system (Seli: col. 6, lines 53-67), comprising:

instructing an agent residing on the client to install data on the client according to a reading of a script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4).

Regarding claim 20, an apparatus for setting an environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a first unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 11, lines 31-42; col. 13, lines 5-32);

a second unit that installs data (Seli: col. 11, lines 31-42; col. 13, lines 5-32), which is backed up from said hard disk provided in a said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof, said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4).

Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,598,159 by McAlister et al.

Regarding claim 19, a method for automatically setting an environment of a client computer in a client/server system (McAlister: col. 4, lines 11-46), comprising:

instructing an agent residing on the client to install data on the client according to a reading of a script residing on the server (McAlister: col. 5, lines 47-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

**Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S.
Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S.
Publication No. 2002/0156965 by Gusler et al.**

Regarding claim 3, the Seli reference teaches an apparatus for setting environment of a client in a

client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2,

lines 51- col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk

provided in said client before the replacement thereof and subsequently and preliminarily stored

in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard

disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data

being installed on said client by an agent residing on said client according to a reading of an

execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4),

wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2,

lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10;

lines 38-42), the selected one kind of data comprising data backed up in the environment just

before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on

said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of

data from said client before said replacement (Gusler: page 1, para 5) in order to effectively

backup computers overcoming the burden to manually backing up data on a regular basis
(Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art
to create the apparatus for setting the environment of a client in a client/server as taught by Seli
to include periodically updating and a log as taught by Gusler in order to effectively backup
computers overcoming the burden to manually backing up data on a regular basis (Gusler: page
1, para 7-9).

Regarding claim 11, the Seli reference teaches the apparatus for setting the environment of a
client in a client/server system according to claim 3. The Seli reference fails to teach a log.
However, the Gusler reference teaches a server has a unit keeping a log of processing performed
on said client (Gusler: page 3, para 36; para 39) in order to effectively backup computers
overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).
It would have been obvious at the time of the invention to one of ordinary skill in the art to create
the apparatus for setting the environment of a client in a client/server as taught by Seli to include
periodically updating and a log as taught by Gusler in order to effectively backup computers
overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 8, the Seli reference teaches a method for setting the environment of a client in
a client/server system (Seli: col. 6, lines 53-67), said method comprising:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-
col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided
in said client before the replacement thereof and subsequently and preliminarily stored in a
server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard
disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data
being installed on said client by an agent residing on said client according to a reading of an
execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4),
wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2,

lines 65- eol. 3, line 4),

one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42),

the selected one kind of data comprising data backed up in the environment just before

the replacement (Seli: col. 3, lines 61- col. 4, line 7);

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on

said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of

data from said client before said replacement (Gusler: page 1, para 5) in order to effectively

backup computers overcoming the burden to manually backing up data on a regular basis

(Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art

to create the apparatus for setting the environment of a client in a client/server as taught by Seli

to include periodically updating and a log as taught by Gusler in order to effectively backup

computers overcoming the burden to manually backing up data on a regular basis (Gusler: page

1, para 7-9).

Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claim 4, the Seli reference teaches an apparatus for setting environment of a client in a

client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2,

lines 51- col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk

provided in said client before the replacement thereof and subsequently and preliminarily stored

in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard

disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data

being installed on said client by an agent residing on said client according to a reading of an

execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcomes the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Regarding claim 9, a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), by:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), said data being installed on said

<u>client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:</u>

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 12, the Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system according to claim 4.

The Seli and Rodriguez references do not explicitly state using a log.

However, the Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli and Rodriguez to include a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 15, the Seli and Gusler references teach the apparatus for setting the

environment of a client in a client/server system with a log according to claim 6. The Seli and

Gusler references mention backing up and recovering file data but do not explicitly state

documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to

said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to

minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups

can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art

to create the apparatus for setting the environment of a client in a client/server with a log as

taught by Seli and Gusler to include periodically sending document data as taught by Cheffetz in

order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental

backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

**Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent
No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No.
6,487,718 by Rodriguez et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.**

Regarding claim 16, the Seli and Rodriguez references teach the apparatus for setting the

environment of a client in a client/server system with a log according to claim 6.

The Seli and Rodriguez fail to teach documents.

However, the Cheffetz reference teaches wherein said client periodically sends document

data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order

to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups

can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by Seli and Rodriguez to include sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

REMARKS

Applicant has made no amendments and just provided arguments and a new claim.

The Applicant Argues:

1) The Seli reference doesn't teach 'said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server'

2) The McAlister reference doesn't teach 'said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server'

In response, the examiner respectfully submits:

The cited prior art does teach the claimed limitations. The examiner has carefully reviewed applicant's arguments but disagrees with applicant's assertions.

In col. 12, Seli teaches a client process that initiates a request to a server (lines 30-34) for a loader that performs the steps of preparing, analyzing and backing up data (lines 50-65). An agent is a process or program or any instructions that are interpreted to be run on the client. The reading of a script, residing on the server are interpreted to be the executing the steps of the loader by the client specifically at bootup. The loader (execution script) resides on the server and is sent to the client upon request. The loader is run and still interacts with the server col. 13, lines 5-32. The client checks ID numbers of various components to check with the with server configuration file tag 40 that residents on the client directory on the server. Applicant does not specify or claim where the execution script is executed or performed and is therefore arguing unclaimed features. Applicant needs to define where the script is executed and how it is executed on the client without sending it to the client. Further the loader being executed is reading and performing the functions of a server. The examiner sees an issue with the interpretation of

applicant's specification because the words 'reside' or 'residing' are not in applicant's specification.

The McAlister reference anticipates the claim limitations because the limitations are so broad. Applicant argues the script is downloaded and therefore not executed on the server. The examiner contends that applicant has not explicitly claimed where the steps of execution take place but that because the script that resides on the server directs installations and perform steps, it meets the claim limitations. The McAlister reference does not only teach network initialization, see col. 5, lines 55-63 but also for downloading files.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)

272-4006. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart
Examiner
Art Unit 2155

/SALEH NAJJAR/
SUPERVISORY PATENT EXAMINER